

#537
BILL NO. Z-93-05-11

ZONING MAP ORDINANCE NO. Z-

Lash

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an R-3 (Multi-Family Residential) District under
the terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

The South 66 feet of the North 1025.4 feet, excluding the
East 18 feet of Lot 12 in J H Feichter Gardenview
Addition and the South 66 feet of North 1025.4 feet of
Lot 11 in J. H. Feichter Gardenview Addition.

and the symbols of the City of Fort Wayne Zoning Map No. R-14,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Robert Lawrence
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Rennie,
and duly adopted, read the second time by title and referred to the
Committee on Regulators (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 5-11-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long,
and duly adopted, placed on its passage. ~~PASSED~~ LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		8		1
BRADBURY		✓		
EDMONDS				✓
GIAQUINTA		✓		
HENRY		✓		
LONG		✓		
LUNSEY		✓		
RAVINE		✓		
SCHMIDT		✓		
TALARICO		✓		

DATED: 6-8-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____,
at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____, M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 14862

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

4/13 19 93

RECEIVED FROM

William Murphy

\$100.00

THE SUM OF

One Hundred and 00/100

DOLLARS

ON ACCOUNT OF

1605 Lanerne

#1078

Reyzoring

Kathe Evans

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

#537

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We WILLIAM W. MURPHY

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an R-3 District the property described as follows:

J H FEICHTER GARDEN VIEW S 66 FT OF N 1025.4 FT

EX E 18 FT LOT 12

J H FEICHTERS GARDEN VIEW S 66 FT OF N 1025.4 FT

LOT 11

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1605 LAVERNE AVE

FORT WAYNE IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

WILLIAM W MURPHY

1605 LAVERNE AVE

William W. Murphy

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

WILLIAM W MURPHY
(Name)

3535 LAKE AVE SUITE 3
(Address & Zip Code)
FT WAYNE IN 46805

471-4445
(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on May 11, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-93-05-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 17, 1993.

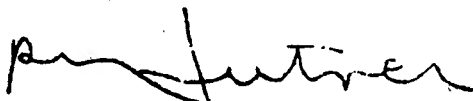
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 24, 1993.

Certified and signed this
25th day of May 1993.


Robert Hutner
Secretary

#537

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1605 Laverne Avenue

2-93-05-11

EFFECT OF PASSAGE Property is currently zoned R-1 - Single
Family Residential. Property will be zoned R-3 - Multi-Family
Residential.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single
Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

Z-93-05-11

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Map Amendment

From R-1 to R-3

DETAILS

Specific Location and/or Address 1605 Laverne Avenue
Reason for Project Construction of an office building.
Discussion (Including relationship to other Council actions) <u>17 May 1993 - Public Hearing</u> William Murphy, 5710 Prophets Pass, petitioner appeared before the Commission. Mr. Murphy stated that he is the managing general partner of Lake Avenue (inaudible) Partners, who have developed the property at the corner of Lake Avenue and Laverne Avenue, directly across from the Catholic Cemetery. He stated that it is Lake Avenue Professional Park and that they currently have two professional office buildings on the property. He stated that the property they would like rezoned is contiguous to this property. He stated that they would like to further develop the property by adding another office building similar to what is already built in the area. He stated at this point they do not have an exact number of square feet. He said approximately 3,000 to 6,000 square feet is proposed. Mel Smith questioned how large the existing facilities were. Mr. Murphy stated that they have two buildings one at 3525 Lake Avenue is a single story building with 8100 square feet and one at 3521 Lake Avenue is a two story with

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) William W Murphy City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -could negatively impact the property values of residential land uses to the north
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

10,000 square feet.

Mel Smith questioned if they are allowed to add another building would they have enough parking to accommodate all three structures.

Mr. Murphy stated that at this point they have more than the required amount of parking. He stated that the property in question currently has a variance for parking.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

24 May 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

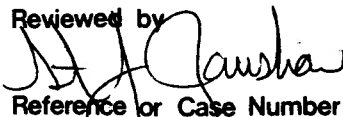
Date 13 April 1993

Projected Completion or Occupancy

Date 25 May 1993

Fact Sheet Prepared by
Patricia A Biancaniello

Date 25 May 1993

Reviewed by

Reference or Case Number

Date 25 May 1993

From the Desk of:

Pat Biancaniello

5-25-93

AGENT:

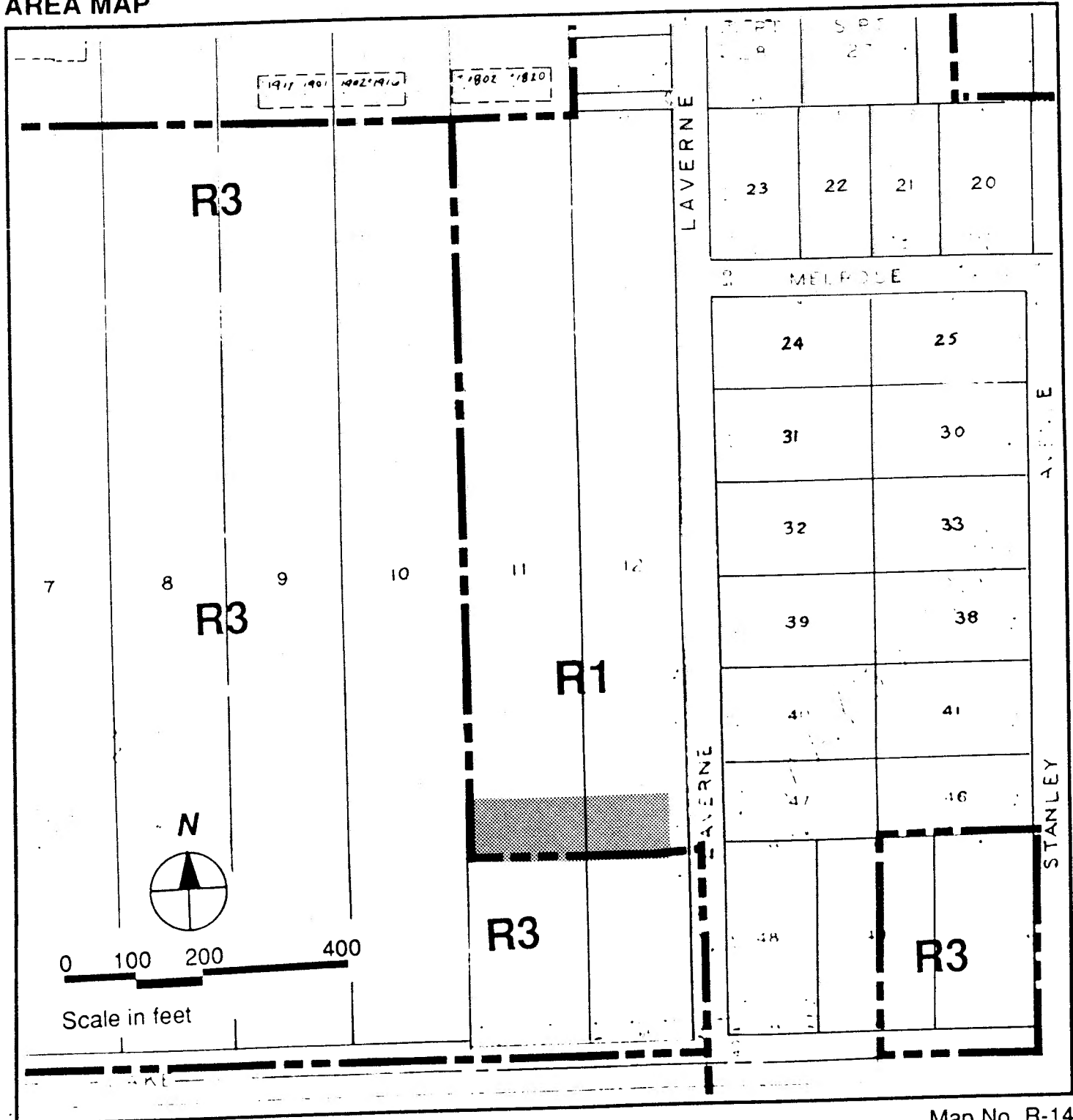
William Murphy
1605 Laverne Av
Fort Wayne IN 46805

PHONE: 471-4445

REZONING PETITION

CASE NO. # 537

AREA MAP



COUNCILMANIC DISTRICT NO. 1

Map No. R-14
LW 4-28-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. Z-93-05-11

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. R-14

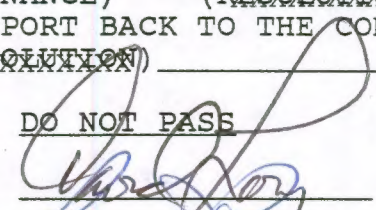
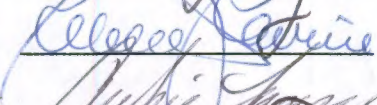
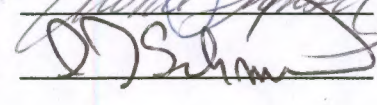
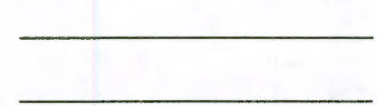
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 5-8-93.

Sandra E. Kennedy
City Clerk